

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Second Appeal No. 105/2007

Appeal
Application No.
Writ petition

District :
of 200

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATED : April 3, 2007.

Heard the learned counsel for the parties.

Appellants are the original defendants. A suit was filed by the plaintiffs for partition and separate possession of the suit property. It was the case of the plaintiffs that the suit property was the joint family property of the plaintiffs and the defendants. The defendants denied the claim of the plaintiffs and pleaded that the property of the joint family was already partitioned and the plaintiffs and the defendants were in possession of their respective shares.

The trial and the appellate Courts, on appreciation of the evidence on record, held that the plaintiffs had proved that the suit property was a joint family property and the plaintiffs had half share in the suit property. The Courts did not find favour with the case of the defendants that the property was already partitioned.

The findings recorded by both the Courts are pure findings of facts, which do not give rise to any substantial question of law. Second appeal is, therefore, dismissed with no order as to costs.

JUDGE

RMP